



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

DONALD L. WOLFE, Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

January 16, 2007

IN REPLY PLEASE

REFER TO FILE: **A-0**

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**EASEMENT TO KATHLEEN JOSEY OF A
PORTION OF PROPERTY IN THE UNINCORPORATED
TERRITORY OF THE COUNTY OF LOS ANGELES
APPROVAL TO CONVEY EASEMENT AND FINDING
SUPERVISORIAL DISTRICT 3
3 VOTES**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that this project is exempt from the provisions of the California Environmental Quality Act (CEQA).
2. Find that a portion of a parcel of property that was previously acquired by the County as part of the project to construct a connector road between Hume Road and Castlewood Drive is no longer necessary for highway purposes.
3. Authorize the Chairman of your Board to execute an easement to Kathleen Josey for vehicular parking purposes over such portion of property contingent upon a settlement of a lawsuit by Ms. Josey against the County of Los Angeles and the Los Angeles County Waterworks District No. 29.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Transfer of this easement over property that is excess to the County's needs will restore Ms. Josey's residential parking area and is an element of a proposed settlement of a lawsuit Ms. Josey brought against the County. The lawsuit arises out of landslide

damage in the unincorporated area of Malibu near Hume Road and Castlewood Drive, which destroyed Ms. Josey's residential driveway.

Implementation of Strategic Plan Goals

This recommended action is consistent with the County Strategic Plan Goal of Fiscal Responsibility because the conveyance is part of a proposed settlement that will eliminate the risk of an excessive jury verdict and will reduce the County's litigation costs.

FISCAL IMPACT/FINANCING

There will be no fiscal impact to the County from the conveyance of the easement, which is over property that would otherwise be vacant.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On October 3, 2006, your Board approved the acquisition by the County of a parcel of property located at 21724 Castlewood Drive in the unincorporated area of Malibu. The County acquired this property for the purpose of constructing a road reconnecting Hume Road to Castlewood Drive, after that connection was severed by a landslide as a result of the record rainfall of 2004-05. After the connection is constructed, a portion of the property acquired by the County on the inside of the curve of the road will be left vacant and will not be necessary for highway purposes.

The landslide that severed Hume Road also destroyed the driveway of a residence located at 2794 Hume Road. Ms. Josey, the owner of the residence, sued the County and the District alleging that they were at fault for the damage to her driveway. The proposed settlement of this lawsuit involves, in part, the conveyance of an easement to Ms. Josey over a piece of the unused property acquired for the Hume Road/Castlewood Drive connector road. Ms. Josey will be able to use this easement for vehicular parking, as the landslide eliminated the parking areas on her property. The area of the easement is shown on the enclosed map as the shaded area on the inside of the curve.

The conveyance of this easement is pursuant to Streets and Highways Code Section 960. That statute provides that, when your Board determines that property acquired by the County for highway purposes is no longer necessary for those purposes, the County may transfer such property on terms and conditions approved by your Board, and the Chairman of your Board shall execute the conveyance on behalf of the County.

The Honorable Board of Supervisors
January 16, 2007
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The easement conveyed to Ms. Josey will be in the form of the Specimen Easement enclosed hereto, which has been approved as to form by County Counsel. Pursuant to Streets and Highways Code Section 960, the easement must be executed by the Chairman of your Board.

ENVIRONMENTAL DOCUMENTATION

The proposed project is categorically exempt from the provisions of CEQA. The project meets the criteria set forth in Classes 4 and 5 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G, because it involves the minor alteration to a piece of land for the replacement of Ms. Josey's access to her property and parking facilities.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no impact on current County services or projects as a result of the conveyance of this easement, as the property that is subject to the easement is not necessary for highway purposes and would otherwise be vacant.

CONCLUSION

Enclosed is a map showing the location of the proposed easement as the shaded area within the curve, as well as a copy of the form of the easement proposed to be conveyed to Ms. Josey. The conveyance of this easement is conditioned upon the settlement of Ms. Josey's lawsuit. Please return one copy of the adopted letter to Public Works.

Respectfully submitted,

DONALD L. WOLFE
Director of Public Works

BL-JOSEY

Enc. 2

cc: Chief Administrative Office
County Counsel

RECORDING REQUESTED BY:
County of Los Angeles

MAIL TO:
Kathleen Josey
2794 Hume Road
Malibu, CA 90265-3435

SPECIMEN DOCUMENT

Documentary transfer tax is \$ _____
() computed on full value of property conveyed, or
() computed on full value less value of liens and
encumbrances remaining at time of sale

Space Above This Line Reserved for Recorder's Use

COUNTY OF LOS ANGELES

Assessor's Identification Number:
4453-012-014 (Portion)

By _____

EASEMENT

For a valuable consideration, receipt of which is hereby acknowledged, the COUNTY OF LOS ANGELES, a body corporate and politic (hereinafter referred to as COUNTY), does hereby grant to KATHLEEN JOSEY, a single woman (hereinafter referred to as GRANTEE), an exclusive easement in perpetuity for vehicular parking purposes in, on, over, and across all that real property in the unincorporated territory of the County of Los Angeles, State of California, described in Exhibit A attached hereto and by this reference made a part hereof.

This easement is appurtenant to and for the benefit of the real property in the unincorporated territory of the County of Los Angeles, State of California, described in Exhibit B attached hereto and by this reference made a part hereof.

SUBJECT TO all matters of record and to the following conditions, which the COUNTY by its execution of this document, and the Grantee, by the exercise of any of the rights granted herein, agree to keep and perform, viz:

1. COUNTY agrees that the GRANTEE shall have the right to pave or landscape the easement area described in said Exhibit A.
2. GRANTEE agrees that she will maintain the easement area described in said Exhibit A, and that the COUNTY will not be at any expense in connection with the maintenance thereof.
3. GRANTEE agrees that she will not perform nor arrange for the construction of any structure in, on, over and across the easement area described in said Exhibit A.
4. GRANTEE agrees that she will defend, indemnify and save harmless the COUNTY, its officers, agents, and/or employees from any and all liability, loss, or damage to which COUNTY, its officers, agents and/or employees may be subjected as the result of any act or omission by GRANTEE.
5. COUNTY agrees that the easement will transfer to GRANTEE'S successors in interest upon transfer or conveyance of the real property described in said Exhibit B.

6. The provisions and agreements contained in this Easement document, shall be binding upon GRANTEE, her heirs, successors, and assigns.
7. The provisions and agreements contained in this Easement document, shall be binding upon COUNTY, its successors, and assigns.

This Easement document is made pursuant to and under the terms of an Agreement out of Superior Court of California, County of Los Angeles, Case No. SC 086714, a certified copy of which was recorded _____, _____ 200____, as Document No. _____, of Official Records, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles.

COUNTY OF LOS ANGELES,
a body corporate and politic

DO NOT RECORD

By _____
Chairman, Board of Supervisors
of the County of Los Angeles

(COUNTY SEAL)

ATTEST:
SACHI A. HAMAI, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

APPROVED

RAYMOND G. FORTNER, JR., County Counsel

By _____
Deputy

By _____
Deputy

AH-Hume Rd 4-4.doc

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On January 6, 1987, the Board of Supervisors for the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts adopted a resolution pursuant to Section 25103 of the Government Code that authorized the use of facsimile signatures of the Chairman of the Board on all papers, documents, or instruments requiring the Chairman's signature.

The undersigned hereby certifies that on this _____ day of _____, 20____, the facsimile signature of _____ Chairman of the Board of Supervisors of the COUNTY OF LOS ANGELES, was affixed hereto as the official execution of this document. The undersigned further certifies that on this date a copy of the document was delivered to the Chairman of the Board of Supervisors of the COUNTY OF LOS ANGELES.

In witness whereof, I have also hereunto set my hand and affixed my official seal the day and year above written.

SACHI A. HAMAI, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

By _____
Deputy

(COUNTY-SEAL)

APPROVED AS TO FORM

RAYMOND G. FORTNER, JR.,
County Counsel

By _____
Deputy

APPROVED as to title and execution, _____, 20____ DEPARTMENT OF PUBLIC WORKS Mapping & Property Management Division Supervising Title Examiner By _____
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EXHIBIT A

Hume Road @ Briarbluff Drive

File with: Hume Road (4)

A.I.N. 4453-012-014

T.G. 629 (F4)

I.M. 129-077

Third District

R829336024

LEGAL DESCRIPTION

(Easement for Vehicular Parking)

That portion of that certain parcel of land in the southeast quarter of Section 27, Township 1 South, Range 17 West, S.B.M., described as PARCEL NO. 4-4R in deed to the COUNTY OF LOS ANGELES, recorded on November 29, 2006, as Document No. 06-2639097, of Official Records, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, within the following described boundaries:

Commencing at the most westerly corner of that certain parcel of land described as PARCEL ONE in deed recorded on January 27, 2005, as Document No. 05-0201016, of said Official Records; thence North 55°15'33" East along the northwesterly line of said PARCEL ONE, a distance of 5.00 feet to the beginning of a tangent curve concave to the south and having a radius of 60.00 feet; thence easterly along said curve through a central angle of 90°00'00", an arc distance of 94.25 feet to the true point of beginning; thence tangent to said curve South 34°44'27" East 19.88 feet to a point, said point being the beginning of a non-tangent curve concave to the west and having a radius of 84.16 feet, a radial of said last mentioned curve to said point bears North 55°15'39" East; thence southerly along said last mentioned curve through a central angle of 76°50'20", an arc distance of 112.87 feet to the most southerly corner of said PARCEL ONE; thence North 34°44'27" West along the southwesterly line of said PARCEL ONE, a distance of 110.00 feet; thence North 55°15'33" East 64.44 feet to above-described 60.00-foot radius curve; thence southeasterly along said last mentioned curve through a central angle of 7°49'42", an arc distance of 8.20 feet to the true point of beginning.

Excepting therefrom any portion lying within the southwesterly 10.00 feet of said PARCEL ONE.

Containing: 4700± square feet.

APPROVED AS TO DESCRIPTION

December 6, 2006

COUNTY OF LOS ANGELES

By John J. Jaramila

SUPERVISING CADASTRAL ENGINEER II
Mapping and Property Management Division

This real property description has been prepared in conformance with the Professional Land Surveyors Act. The signatory herein is exempt pursuant to Section 8726 of the California Business and Professions Code

EXHIBIT B

Hume Road @ Briarbluff Drive

File with: Hume Road (4)

A.I.N. 4453-008-018

T.G. 629 (F4)

I.M. 129-077

Third District

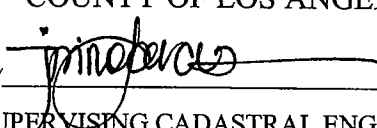
R829336024

LEGAL DESCRIPTION

(A.I.N. 4453-008-018)

All of Parcel 2, as shown on map of Parcel Map No. 3535, filed in Book 46, page 86, of Parcel Maps, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles.

Containing: 16756 ± square feet

APPROVED AS TO DESCRIPTION
<u>December 6, 2006</u>
COUNTY OF LOS ANGELES
By <u></u>
SUPERVISING CADASTRAL ENGINEER II
Mapping and Property Management Division

This real property description has been prepared in conformance with the Professional Land Surveyors Act. The signatory herein is exempt pursuant to Section 8726 of the California Business and Professions Code.